

House Local Government Committee

Minutes
2007



MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: January 24, 2007

TIME: 1:30 pm

PLACE: Room 408

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Bock, Killen and Pasley-Stuart

**ABSENT/
EXCUSED:** Representative Clark

GUESTS: Larry Callicutt, Idaho Department of Juvenile Corrections; Ken Harward, Association of Idaho Cities; Jerry Mason, Association of Idaho Cities; Dan Chadwick, Idaho Association of Counties

Chairman Barrett called the meeting to order at 1:30 pm. She welcomed the new members and briefly discussed the types of legislation that will come before this committee.

Ken Harward, Executive Director, Association of Idaho Cities, talked about the Association of Idaho Cities. There are over 200 cities in Idaho that fall under the Statutes covering cities. Bellevue is the exception as it is the only chartered city in the State of Idaho. Mr Harward had handouts for the committee which included Idaho population, percentage of Idahoans living in cities; and population by cities. He said there is a wide diversity in cities and size, from a population of 10 to a population of 193,161. He had a CD for any committee member that wanted one which gives a list of the training manuals the Association provides to the cities.

His Association does not anticipate any legislation this year but they are working on changes to the Municipal Appointment Statutes. He stated some appointments are by statute, others by ordinance.

Jerry Mason, Attorney, stated many city attorneys have issued multiple opinions on this statute because the language can be interpreted in so many different ways. This legislation will help clear up the language and will provide a way to take some positions out of the political realm.

A question was asked about how you break a tie in city council meetings. In most instances the Mayor can break a tie except on an appointment he has made. It was asked if Treasurers could be non-partisan and make objective decisions. Mr mason said it is that way today. The question was asked about the number of cities objecting to this statute change. Mr Mason said it was difficult to tell since this does not have great crowd appeal.

Dan Chadwick, Executive Director, Idaho Association of Counties, provided a CD to the members which held the county manuals. They have put together a manual of "Best Practices". They felt a need for this as a result of some things that have happened over the past five years at the city, county and state level. His association tracks about three to four hundred

bills because they will have some bearing on counties.

Mr Chadwick passed out a brochure that had 2007 priority legislation for Idaho's Counties. He stated there are strong feelings on both sides of the issue, "Voting by Mail". They support legislation that removes the sunset provision for the county local option sales tax for detention facilities. On mosquito abatement, they are struggling with how to handle this. They may have to come to the legislature for a constitutional change allowing cities and counties to buy their large pieces of equipment on time rather than having to go to the people for a vote each time they want a new truck, road grader, etc.

Mr Chadwick stated there is a huge substance abuse problem in the state. Beer and wine funds are an untapped revenue source to help in this area. He said the greatest burden comes from methamphetamine, but beer and wine also have their problems and have never borne the cost.

As cities grow, there are political changes happening. 23 out of 34 people lost their primary election this past year and there are 80 new county officials. Mr Chadwick thinks this will be an ongoing problem at the county level, and is a result of the growth of cities. He stated counties like local control for growth.

Representative Henderson was asked if he would give a report on last year's legislation on impact fees. He stated he would be willing to do this when Chairman Barrett wanted to schedule it.

Chairman Barrett introduced **Larry Callicutt, newly appointed Director of the Idaho Department of Juvenile Corrections.** She stated while legislation from this group would not come before this committee, it was important to be apprised of their issues, concerns and programs.

Mr Callicutt had two handouts for the committee, one the Final Report, 2006, for Juvenile Justice in Idaho, and the other an Idaho Department of Juvenile Corrections department overview. He stated that the youth drug of choice is alcohol, followed by marijuana, followed by meth. Meth treatment is typically one to one and a half years before any significant change is seen.

Their department's mission statement is to "Prevent and reduce juvenile crime in partnership with communities". The lowest population in their centers has been 402 and the highest 508. Relationships between counties and the Juvenile Corrections Department is critical. He thinks it is the best example of how government can deliver services in the mental health area. There are now 6703 youth on county probation. 94% of juvenile services are provided at the local level.

A sub-acute mental health facility is being built in Nampa and it is expected it will open in 2008. It will be a state of the art facility and Mr Callicutt said he would arrange for a field trip if there was interest from the committee.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 3:00 pm.

Representative Lenore Barrett
Chairman

Barbara Allumbaugh
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: January 30, 2007

TIME: 1:30 pm

PLACE: Room 408

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Kemp, Pasley-Stuart, Boe

**ABSENT/
EXCUSED:** Representative Barrett

GUESTS: Leon Duce, AIC; Justin Ruen, AIC; Ken Harward, AIC; Benjamin Davenport, Evans Keane; Jack Lyman, IMHA; Erin Bennett, Veritas Advisors; John Eaton, Realtors; Miguel Legarreta, Builders; and Jeremy Pisca, IBCA

The meeting was called to order by Vice Chairman Bayer at 1:37 pm.

MINUTES: **Rep Collins** moved that the minutes of January 24, 2007, be approved as written.

VOTE: **ON A VOICE VOTE, THE MOTION CARRIED.**

RS 16708 **Jack Lyman, Idaho Manufactured Housing Association**, presented this proposed legislation. The purpose of this legislation is to amend the current statute to provide an exception to the grade requirement when the home is placed on a basement foundation.

MOTION: **Rep Clark** moved that **RS 16708 be introduced for print.**

VOTE: **ON A VOICE VOTE THE MOTION CARRIED.**

Rep Henderson gave a report on impact fee legislation. He stated cities and counties could impose impact fees. Some cities have, but the statute is very demanding and very complex. Representative Henderson and Representative Nonini introduced legislation on impact fees last year with realtor and contractor agreement. The changes are rather trivial.

The biggest change was an agreement that cities and counties in conjunction with Realtors and contractors would put together a training program.

Ken Harward, Association of Idaho Cities, addressed the training program. He provided a CD on Sample Development Impact Fee Ordinances, Capital Improvement Plans and Trainings, to all members, as well as a handout which included Financial Strategies for Addressing Capital Needs, a Parks & Recreation Impact Fee Review for the City of Caldwell, and the City of Caldwell Impact Fee Enabling Ordinance.

The question was asked about who the consultant was and Mr Harward

replied there were several consultants used who work in this area. This training uses material from several of them. The Association of Idaho Cities provided this training material regionally around the state and had training at their annual conference in June, 2006.

Mr Harward stated the first legislation approving impact fees for Idaho local governments was passed by the legislature in 1992, but could only be imposed by any unit of local government within a county of greater than 200,000 thousand population. This, of course, would only have been one county in Idaho. The population requirement was eliminated in 1996 and now, any county, city or countywide highway district may impose impact fees on new development.

Impact fees may only be used to fund new capital facilities that directly benefit the fee payers. Impact fee revenue may not be used for rehabilitation or replacement of existing capital facilities, nor can they be used to pay for capital facilities that will primarily benefit existing residents. These fees must be specific to the city and what their needs are.

The question was asked about schools imposing impact fees. Mr Harward stated there are only three entities that can impose these fees, cities, counties and highway districts. Schools are not included, partly because of school jurisdictional boundaries and also the fact there is a constitutional mandate for the legislature to fund schools.

Impact fees are front loaded with the developer paying these fees up front. Mr Harward feel that counties and highway districts can impose impact fees jointly.

More and more cities in growth areas are doing impact fee studies. There are pockets of growth in the State of Idaho and the population comparison handout would show that these pockets include the Treasure Valley, northern Idaho, some in the Twin Falls area and some in the Rexburg area.

The Association of Idaho Cities is continually training on these impact fees.

ADJOURN:

There being no further business, the meeting was adjourned at 2:10 pm

Representative Clifford Bayer
Vice Chairman

Barbara Allumbaugh
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: February 6, 2007

TIME: 1:30 pm

PLACE: Room 408

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Pasley-Stuart, Killen and Bock

**ABSENT/
EXCUSED:**

GUESTS: Mark Trupp, Teton County Commissioner; Richard Horne, Eastern Idaho Public Health; Hannah Saona, ACLU; Jordan Burnhart; Katie Hagadone; Justin Ruen, AIC; John Eaton, Realtors; Jack Lyman, Idaho Mfr Housing Assn; and Jeremy Pisca, IBCA

Chairman Barrett called the meeting to order at 1:36 pm.

MINUTES; **Rep Collins** moved that the minutes of January 30, 2007, be approved as written.

VOTE: **ON A VOICE VOTE, THE MOTION CARRIED.**

RS 16789 **Rep Leortscher** presented this proposed legislation which allows counties to expand the District Health Boards to provide a minimum and maximum number of members for Boards of Trustees for District Boards of Health. Rep Leortscher stated this legislation is identical to last year's legislation which is intended to give each county a member on the District Health Boards. Today there are more counties represented in the Eastern Idaho Public Health district than there are board members. This legislation will allow each county to be represented.

Rep Henderson thinks this is good. Even if a county does not have a representative on the board, they still have to pay a fee to the board.

MOTION: **Rep Bradford** moved that **RS 16789** be introduced to print.

VOTE: **ON A VOICE VOTE, THE MOTION CARRIED.**

RS 16857 **Rep Henderson** presented this proposed legislation which is a housekeeping bill to revise requirements for notice to create a Local Improvement District, relating to methods of assessment. It was brought to their attention that the word "or" should be inserted on line 27 of Section 50-1707, Idaho Code, item ©, so it reads "...or in proportion to the benefits derived to such property by said improvements....."

MOTION: **Rep Bradford** moved that **RS 16857** be introduced to print.

VOTE: **ON A VOICE VOTE, THE MOTION CARRIED.**

H 76

Jack Lyman, Idaho Manufactured Housing Association, presented this legislation which provides an exception to the grade requirement when the home is placed on a basement foundation. Cities and counties have the prerogative of imposing requirements on manufactured homes. One county interpreted the Code to mean that a manufactured home could only be placed twelve (12) inches above grade and no more. This bill clarifies that manufactured homes can, in fact, be placed on a basement foundation.

MOTION:

Rep Killen moved that **H 76 be sent to the floor with a DO PASS recommendation.**

VOTE:

ON A VOICE VOTE THE MOTION CARRIED.

ADJOURN:

There being no further business, the meeting was adjourned at 1:38 pm.

Representative Lenore Barrett
Chairman

Barbara Allumbaugh
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: February 8, 2007

TIME: 1:30 pm

PLACE: Room 408

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Pasley-Stuart, Killen and Bock

**ABSENT/
EXCUSED:** Representatives Bayer, Bradford and Pasley-Stuart

GUESTS: Mark Trupp, Teton County Commissioner; Sandra Horne; Richard Horne, Eastern Idaho Public Health; Roger Christensen, Bonneville County Commissioner; Dave Radford, Bonneville County Commissioner; Lee Staker, Bonneville County Commissioner; and Kerry Ellen Elliott, IAC.

Chairman Barrett called the meeting to order at 1:35 pm.

MINUTES; **Rep Chadderdon** moved that the minutes of February 6, 2007 be approved as written.

VOTE: **ON A VOICE VOTE THE MOTION CARRIED.**

RS 16960 **Rep Loertscher** presented this proposed legislation which will provide minimum and maximum numbers of members for Boards of Trustees for District Boards of Health. This is a replacement to RS 16789 which was introduced to print on Tuesday, February 6, 2007. This correction will do what was originally intended, namely to allow a District Health Board that is comprised of eight counties to have eight members on the board. It will not allow District Health Boards serving less than eight counties to have more members on their board than the number of counties they serve.

MOTION: **Rep Clark** moved that **RS 16960 be introduced to print.**

VOTE: **ON A VOICE VOTE THE MOTION CARRIED.**

ADJOURN: There being no further business the meeting was adjourned at 1:40 pm.

Representative Lenore Barrett
Chairman

Barbara Allumbaugh
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: February 12, 2007

TIME: 1:30 pm

PLACE: Room 408

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Clark, Bradford, Chadderdon, Henderson, Pasley-Stuart, Killen and Bock

**ABSENT/
EXCUSED:** Representatives Bradford and Clark

GUESTS: Mike Moore, Moore, Smith, Buxton; Justin Ruen, AIC; Tammy Zokan, MSBT; and Jack Clark, Surveyors

Chairman Barrett called the meeting to order at 1:30 pm.

MINUTES: **Rep Pasley-Stuart** moved that the minutes of February 8, 2007, be approved as written.

VOTE: **ON A VOICE VOTE THE MOTION CARRIED.**

H 116 **Rep Henderson** presented this legislation which will revise requirements for notice to create a Local Improvement District. It clarifies how costs and expenses of the improvements will be assessed by adding the word "or" on line 17 of Section (c) of the Statute so it reads ... "or a combination thereof, or in proportion to the benefits derived to such property....." .

MOTION: **Rep Killen** moved that **H 116 be sent to the floor with a DO PASS recommendation.**

VOTE: **ON A VOICE VOTE THE MOTION CARRIED.**

ADJOURN: There being no further business, the meeting was adjourned at 1:38 pm.

Representative Lenore Barrett,
Chairman

Barbara Allumbaugh,
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: February 14, 2007

TIME: 1:30 pm

PLACE: Room 408

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Pasley-Stuart, Bock, Killen

**ABSENT/
EXCUSED:**

GUESTS: Lynn Moser, Eagle Sewer District; Lynne Sedlacek, Eagle Sewer District; Richard Horne, Eastern Idaho Public Health; Miguel Legarreta, BCA; Jeremy Pisca, IBCA; Larry Spencer; John Eason, Realtors

Chairman Barrett Called the meeting order at 1:30 pm.

MINUTES: **Rep Killen** moved that the **minutes** of February 12, 2007, be approved as written.

VOTE **ON A VOICE VOTE THE MOTION CARRIED**

H 115 **BY UNANIMOUS CONSENT H 115 WAS HELD IN COMMITTEE.** This bill was rewritten and is before the committee as **H 147**.

H 147 **Rep Loertscher** presented this legislation which provides for minimum and maximum numbers of members for Boards of Trustees for District Boards of Health. The current structure is that if there are more than seven counties in a Health District, they cannot have equal representation on the board. This legislation is designed to correct that.

Richard Horne, Eastern Idaho Public Health, said there are seven public health districts in Idaho. Three in Eastern Idaho have eight counties in each of them. One district needed to have a physician on the Board and, by doing so, a county had their vote taken away since the statute only allows for seven members. This legislation does not impact those boards comprised of less than eight counties.

MOTION: **Rep Pasley-Stuart** moved that **H 147 be sent to the floor with a DO PASS recommendation.**

VOTE: **ON A VOICE VOTE THE MOTION CARRIED.**

H 153 **Rep Harwood** presented this legislation pertaining to Water and Sewer Districts, which is to provide for the receipt of services by owners of real property within a district and to provide for the treatment of applications for new or additional services made by owners of real property annexed into a district. **Rep Harwood** also presented a proposed amendment to this legislation which modified the proposed legislation. He said one person was denied services after being annexed into a district, which is what brought this

legislation forward.

Rep Clark questioned whether this only applied to one person or was it a problem statewide. **Rep Harwood** stated he was not aware of a statewide problem, but it could happen anywhere in the state.

Rep Killen stated he represented sewer districts for many years and said they have no power to annex anything.

Mr Spencer testified on behalf of this legislation. He stated today a sewer or water district has no requirement to provide services to a property annexed in the district. If a property owner wants to divide his property, he cannot meet other zoning requirements if he does not have the services that he should be entitled to. This is something that could happen throughout the state. It is not a regional situation.

Rep Bock wanted to know if the sewer districts were on board and if they agreed with this legislation.

Mr Spencer stated he had talked to only one district the previous evening and the concern this man had was with the fee schedule.

Rep Clark asked that Mr Spencer explain the problem and what this legislation will do to correct it. The response was that the bill would require an even and fair approach. If you have been annexed into a district, you have a window of opportunity so the rules cannot be changed.

Lynn Moser, General Manager of the Eagle Sewer District, stated that he, nor any of his colleagues, knew nothing about this legislation prior to Monday. He stated that a person must have a viable project before his property will be annexed. It might be a fairness issue today but no one has a crystal ball and it may not be a fairness issue in the future. He asked that this bill be held in committee until interested parties have an opportunity to study it. He stated a district cannot hold capacity in perpetuity. What he would recommend for each district is they would annex, but if the project did not go forward, they would de-annex.

When asked, he responded they could refuse to annex. Annexation is a contract and could include a clause that if, after a specified period of time, the owner is not utilizing the capacity granted them, he should be asked to de-annex.

Lynne Sedlacek, Office Manager of the Eagle Sewer District, stated that the Board of Directors are elected officials. She does not think this is a situation where one size fits all. She thinks this is a local problem that is seeking a solution through legislation and she doesn't believe that is right. Her district does not want legislation that will issue a mandate that they provide services in the future.

She does not think the ability to de-annex is enough. She would like to see this legislation held in committee until they have an opportunity to look at it very carefully.

Mr Spencer said he appreciated the comments and concerns of the sewer

district. He does not feel this is a local issue. He thinks it can and will come up in other parts of the state.

MOTION: **Rep Killen** moved that **H 153 be HELD in committee.**

Rep Bock stated he supported this motion. He did not feel like the sewer districts were in agreement with this legislation.

SUBSTITUTE MOTION: **Rep Clark** made a substitute motion to **HOLD H 153 in committee for two weeks time certain.** He want the sponsor to get an opinion from the Attorney General on the impact of this legislation. **Rep Henderson** supports this substitute motion. **Rep Bayer** supports this motion and thinks amendments can be written to address concerns. **Rep Bock** will support this motion as he feels it is a good short term compromise. **Rep Pasley-Stuart** would like additional input from the other sewer districts.

VOTE: **ON A VOICE VOTE THE SUBSTITUTE MOTION TO HOLD H 153 IN COMMITTEE FOR TWO WEEKS TIME CERTAIN PASSED.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:50 pm

Representative Lenore Barrett
Chairman

Barbara Allumbaugh
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: February 22, 2007

TIME: 1:30 pm

PLACE: Room 408

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Pasley-Stuart, Bock, Killen

**ABSENT/
EXCUSED:**

GUESTS: Cliff Green, Idaho State School Board Association; Rob Winslow, Idaho Association of School Administrators; John Eaton, Realtors, Robin Nethinga, IEA; and Phil Homer, IASA

Rep Barrett called the meeting order at 1:30 pm

MINUTES: It was moved by Rep Pasley-Stuart that the minutes of February 14, 2007, be approved as written.

VOTE: **ON A VOICE VOTE THE MOTION CARRIED.**

H 196 **Rep Lake** presented this legislation which would consolidate elections for all purposes on two dates during the year. It is recognized that voters have a hard time remembering when they should plan on being at the polls to vote. Some organizations have become very resourceful in encouraging voters in favor of their position to attend the polls while ignoring voters that may be in opposition to their position. This legislation provides that all issues before the voters shall be submitted either on the fourth Tuesday in May or the Tuesday following the first Monday in November. It is expected that providing consistency in the election dates will increase voter participation.

Rep Lake stated the need for this legislation is that we have a hodge podge of dates now. One concern is that most of the polling places are not in the same spot. Today people have to go to several different polls to vote. Section 1 establishes the elections dates. Section 2 covers elections to consolidate counties which does not happen often. Section covers a petition for consolidation of counties, which, again, does not happen often.

Section 4 covers excision and annexation of territory, which does not happen often. Section 5 through Section 19 cover the other entities that are entitled to hold elections and changes the election dates to the fourth Tuesday in May or the Tuesday following the first Monday in November.

Section 20 covers general and special city elections. Cities can hold an election on the basis of an emergency as determined by the City Council. Section 21 covers time for holding special election on a proposition; Section

22, election of officials following adoption; Section 23, joint session resolution specifying time of election; Section 24, election of officers of consolidated corporations; and Section 25, petition for organization under general laws.

MOTION:

Rep Clark moved that **H 196 be sent to the floor with a DO PASS recommendation.** Chairman Barrett stated there were other people who wished to testify on the bill.

Dr Cliff Green, Idaho School Board Association testified in opposition to this legislation. This is a sweeping public policy change. If passed, the effects of this bill would be confusion, inconvenience and increased cost. It would create ballot clutter. First, the voting precincts do not match the trustee zones. To make it even more complex, many trustee zones overlap counties.

Districts are required to have equal representation in each of the zones. In most cases the zones overlap the precincts as well as the counties. The only accurate way to run a consolidated election would be electronic ballots tied to a person's street address. We don't have this technology and to implement this kind of system would be costly and probably more cumbersome than the current system.

One would need to go to more than one location to vote. This bill consolidates dates, not places. Dr Green feels that if a ballot includes elections for judges, legislative issues, citizen's initiatives, county jail bond elections, and school district issues, along with political candidates, it would be very confusing to our senior citizens.

By virtue of the consolidation to two dates, a common ballot encourages partisan politics. School boards are non-partisan for a reason. If they are put on a ballot with other issues and candidates, how will this work?

There is currently a six month required wait between running bond elections. If a bond issue fails in May, they would have to wait until November and, since the school year starts in September, where does this put them?

The same issue occurs for supplemental levies. If it does not pass in May, you cannot run one again until November. Again, school starts in September and school budgets are set in July. This is a recipe for failure. Schools will end up cutting programs, resources for programs and reducing their workforce.

One selling point is that more people will vote. This may be true but those that do will be less informed because of the amount of issues on the ballot. His organization understands the desire of many legislators to consolidate election dates, but they believe this bill has too many unanswered questions. The 560 publicly elected members of the ISBA ask your no vote on this bill.

Rob Winslow, Executive Director of the Idaho Association of School Administrators, stated his organization has adopted an official position of opposition to the inclusion of school districts in the consolidation of elections. They feel school districts continue to need the flexibility of multiple election dates.

Today about one half the school districts are asking for supplemental levies. Sometimes a district has to revisit the priorities and rerun an election. Under IC 33-515, the issuance of renewable contracts, they have requirements to notify personnel of renewal no later than the fifteenth day of May, prior to the date in which a supplemental election could be held that may determine the number of positions that will be available in the district for the next school year.

If personnel are left in limbo, the programs which they teach will also be left in limbo. If a supplemental election in late May is not successful, both the personnel and the program offering to the students will be gone, as a district would be unable to fill the position, pending a November approval.

School districts are different than other taxing entities. If one other taxing district needs to purchase an item requiring the passage of a levy, not being able to run the issue again for a few months may not hinder that taxing district but for school districts, those months mean program cuts. They continue to feel that local communities and Boards of Trustees need the flexibility to set election dates, especially those dealing with bonds and supplementals and ask your no vote on H 196.

John Eaton, Idaho Association of Realtors, said his organization supports consolidation of all types of elections. He has a high degree of respect for the voter. He thinks they can be depended on to become educated on the issues, no matter how many are on the ballot.

Rep Lake said there is nothing in this legislation that says everything would be on one ballot.

Rep Bayer supports the motion on the table. He thinks it is prudent for the legislature to facilitate the voter to the greatest extent possible.

Rep Barrett commented that, as a voter, she would rather vote fewer times a year than more, and that it does get confusing.

Rep Killen asked if the Secretary of State had comments on this. **Rep Lake** said no on this particular piece of legislation.

VOTE:

ON A ROLL CALL VOTE THE MOTION CARRIED.

**8 AYE - Representatives Bayer, Collins, Clark,
Bradford, Chadderdon, Henderson, Bock
and Barrett**

2 NAY - Representatives Killen and Pasley-Stuart

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 2:20 pm.

Representative Lenore Barrett
Chairman

Barbara Allumbaugh
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: February 26, 2007

TIME: 1:30 pm

PLACE: Room 408

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Pasley-Stuart, Bock, Killen

**ABSENT/
EXCUSED:**

GUESTS: Todd Tondee, Kootenai County Commissioner; Lynn Young, AARP; Marion Blackwell, Northern Lakes Fire; Anthony Bennett, IWUA; Ron Sampert, Kootenai County Fire; Mel Goodson, Idaho State Fire Commissioners; John Eaton, Realtors; and Tony Poinelli, IAC

Chairman Barrett called the meeting to order at 2:46 pm.

H 204

Rep Clark presented this legislation which is intended to expand the authority of governmental entities to enter into intergovernmental agreements with any taxing district which provides any type of "public facilities". This would allow governmental entities authorized to impose impact fees the authority to enter into agreements and lawfully distribute such fees to those taxing districts which provide "public facilities" and are directly affected by new development.

This legislation is being brought forward by a new Kootenai County Commissioner elected last November. All this legislation does is add fire districts, water districts, sewer districts, recreational water and sewer districts or irrigation districts to those currently authorized to enter into intergovernmental agreements with each other or with highway districts.

This will get all the players in the room who have something to do with impact fees and might be the first step forward in making growth pay for itself.

Todd Tondee, Kootenai County Commissioner, stated that in his recent election, impact fees, or the lack of them, was a major concern for his constituents.

He stated that any governmental agency who has the authority to enact ordinances, can impose impact fees. This proposed legislation is critical for counties to have the opportunity to take full advantage of the impact fee statute. Since counties do not have all of the public facilities, as clearly defined in the statute under their authority, this legislation is needed to allow them to reach agreements with all of the taxing districts who do have authority over these public facilities.

Kootenai County is being asked to make major land use decisions, involving

700 to 1500 home subdivisions. These decisions will have great impact on all taxing districts, not just the ones the county has authority over. This legislation would allow the county to reach agreements with those taxing districts to better serve the existing citizens and allow new developments to pay their fair share. Without this legislation the county cannot impose impact fees fairly. Mr Tondee urged the committee to send this legislation to the floor with a do pass recommendation.

MOTION: **Rep Henderson** moved that **H 204 be sent to the floor with a DO PASS RECOMMENDATION.**

John Eaton, Idaho Association of Realtors, said his organization is not in opposition to this legislation. This will clarify what the statute says and means. In their opinion, this is a more preferable approach.

Tony Poinelli, Idaho Association of Counties, said they are in support of this legislation.

Jeremy Pisca, Idaho Building Contractors Association, said this is a good model of how things should work and his association was not in opposition.

VOTE: **ON A VOICE VOTE THE MOTION CARRIED.**

ADJOURN: There being no further business, the meeting was adjourned at 3:00 pm.

Representative Lenore Barrett
Chairman

Barbara Allumbaugh
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: February 28, 2007

TIME: 1:30 pm

PLACE: Room 408

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Pasley-Stuart, Bock, Killen

**ABSENT/
EXCUSED:**

GUESTS: Lynn Moser, Eagle Sewer District; Lynne Sedlacek, Eagle Sewer District; Larry Spencer; Representative Mary Lou Shepherd; Lyn Darrington, Eagle Sewer District

Chairman Barrett called the meeting to order at 2:05 pm.

H 153: **Rep Harwood**, sponsor of this legislation deferred to Mr. Spencer, who originally requested the legislation. A hearing on this bill was held on February 14, 2007, and the committee action was to hold for time certain until February 28, 2007, with the intent that the sponsor would get an opinion from the Attorney General on the impact of this legislation. At that time, Rep Pasley-Stuart stated she would like additional input from the other sewer districts.

Mr Spencer introduced an amendment to this legislation. The amendment is intended to clarify the language of the legislation and provide relief from obligations created by this bill under certain circumstances. The first issue in the amendment would be deleting the word "may" and replacing with "shall". The second issue is that after annexation has taken place, the water or sewer district cannot change the rules. They can change the fee schedule if they have a flexible fee schedule in place. This is worded so it will not have a negative effect on sewer or water districts.

Mr Spencer has been in contact with Lynn Moser of the Eagle Sewer District. He said this type of legislation will never have the support of the sewer districts because it does restrict them.

Rep Pasley-Stuart asked if Mr Spencer had obtained an opinion from the Attorney General. **Rep Harwood** handed out a copy of a letter from Mitchell E Toryanski, Deputy Attorney General, in which he stated he saw no legal issues with **H 153**, or the amendment. However, the amendment was the first one he looked at on February 15, 2007 and different from the amendment presented to the committee today.

Rep Clark asked Mr Spencer if he would gain financially if this bill passed today. **Mr Spencer** stated he had property in a water district but was not sure he would personally gain financially. **Rep Clark** further said Mr Spencer had previously said he was annexed, yet Rep Clark had a letter

from Ed Wroe of the Hayden Lake Recreational Water & Sewer District saying he was not aware of any annexation of Mr Spencer's property.

Rep Bock said to Mr Spencer it would appear that after annexation and refusal of services, it would appear you might request being removed. He asked if he had done this. **Mr Spencer** replied no and said it is a requirement by environmental quality that if you are close enough to be provided water, you shall provide water to your development. **Mr Spencer's** concern is that if the statute is now changed it will become a vehicle to limit growth.

Rep Barrett said that these district boards must have meetings and she would assume they must have minutes of any meetings. **Mr Spencer** said the board said they would not give him water, so he started looking at legislation to see they were required to.

Rep Clark asked Mr Spencer what he thinks this bill does. **Mr Spencer** replied that it would assure that people that were annexed in would receive sewer or water if they were willing to pay for the infra-structure. **Rep Clark** asked if the language in the bill satisfies this and **Mr Spencer** replied yes. He said he made application and paid a \$2000 water study fee over a year ago and this has not been done yet.

Rep Henderson asked where the statement "they did not have to provide water" came from, if it was a public meeting. **Mr Spencer** stated it came from another source.

Rep Shepherd (2) spoke on behalf of the South Fork Coeur d'Alene River Sewer District. They were unable to attend the meeting but provided a written statement to each member of the committee. They felt this issue was much larger than one District and one Representative and that sewer districts throughout the State should be given the courtesy and opportunity to weigh in on adjustments to the Idaho Statute.

Lyn Darrington, Eagle Sewer District, said Mr Spencer did present amendments for them to go over. Her client is concerned about the three year lock after annexation. It would be an administrative nightmare. She further said her client would be very happy to sit down and work with Mr Spencer on this.

Rep Harwood said it appears we have a district in the state which did not do what they should have done, but if it can happen in one place, it can happen in others.

Mr Spencer said one of his concerns is it a local issue or is it a statewide issue. He wanted to get people from the water and sewer Districts to be honest. He says it is not easy to remove old board members from the boards and they may be the ones that are trying to stop growth. The fact that this has happened up in Northern Idaho does not mean it is merely a Northern Idaho problem. He would like to see the committee give this bill a green light.

Rep Clark asked Mr Spencer that if the Attorney General did not see anything wrong with the first amendment, why change it. **Mr Spencer** said they tried to remove some of the objections from the bill. **Rep Clark** said he did not know what problems this bill was trying to solve.

Rep Bock does not see that there is a problem, but if there is, there are procedural mechanisms for working them out. There is no indication this was done. He, like Rep Clark, he just doesn't get it.

MOTION:

Rep Bock moved that **H 153 be HELD in committee.**

Rep Clark said that he has not received any letters or calls from anyone that likes this bill. He asks why Mr Spencer is here if he has no personal gain. He said he was familiar with Mr Spencer's property since it is in his backyard and he can see it from a window in his home. He said he had a lot of letters from water and sewer districts, none of which liked this legislation.

Rep Bayer understands the intent and would like to make a substitute motion but does not think the language in the bill will necessitate that. He hopes this can be addressed more fairly or clearly.

Rep Barrett said language does become law so we have to be careful with the language in legislation.

Rep Henderson said that due to lack of urgency and lack of denial, he feels this will come ack to us in better form.

VOTE:

ON A ROLL VOTE THE MOTION TO HOLD H 153 IN COMMITTEE PASSED.

**9 - AYE - Representatives Bayer, Collins, Clark
Bradford, Chadderdon, Henderson,
Bock, Killen, and Pasley-Stuart
1 - NAE - Representative Barrett**

ADJOURN:

There being no further business, the meeting was adjourned at 2:55 pm.

Representative Lenore Barrett
Chairman

Barbara Allumbaugh
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: March 6, 2007

TIME: 1:30 pm or upon adjournment

PLACE: Room 408

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Pasley-Stuart, Bock, Killen

**ABSENT/
EXCUSED:** Representative Bradford

GUESTS: Jack Rayne, Division of Building Safety; Steven Brown, Valley County; Bob Hall, Idaho Newspaper Association; Kerry Ellen Elliott, IAC; Justin Ruen, AIC; and Larry Spencer

Chairman Barrett called the meeting to order at 2:50 pm.

MINUTES: **Rep Collins** moved that the minutes of February 28, 2007, be approved as written.

VOTE: **ON A VOICE VOTE THE MOTION CARRIED.**

S 1120 **Senator Heinrich** presented this legislation which will repeal the requirement for the publication of a summary of the joint financial statement by the County Auditor and Treasurer on a quarterly basis. The Statute contains archaic language and is not very useful. In its place, the county would publish a summary of the balance sheet and statement of revenues and expenses within 30 days after the annual audit is prepared. This would provide the public a more accurate account of the county's financial status.

This Statute probably served its purpose back when balance sheets were hand written. Today, most ledgers are balanced on a daily basis, others on a monthly basis. There is a trailer bill, S 1121, which will ask for an increase in publishing rates. Elimination of some of the publishing requirements as proposed in this legislation will offset the increase in newspaper rates.

MOTION: **Rep Clark** moved that **S1120 be sent to the floor with a DO PASS recommendation.**

VOTE: **ON A VOICE VOTE THE MOTION CARRIED. Rep Henderson** will sponsor this legislation.

H 201 **Rep Clark** presented this legislation which is to protect manufactured homes and mobile homes from being required to have their roofs rebuilt or a "snow roof" built over them in order to be eligible to receive a siting or building permit if they are to be moved. It will further prohibit municipalities from enacting a "roof load requirement" that exceeds what the homes were constructed to hold.

Back in October he received a phone call from a constituent who had a

concern about snow loads. Rep Clark passed out a packet of letters he had written and received giving a short history on this problem. He had written the Attorney General stating the problem was that some political subdivisions of the State are making a determination that is greater than the 30 P.S.F. and placing an additional cost to the providers of manufactured homes. When the greater standard is applied it is discouraging needed housing through unreasonable cost or delay and that is in direct conflict with Idaho Code 67-6509A (5).

The response from the Attorney General was that there are three alternatives, one is to sue; the second would be to file a lawsuit asking the court to enjoin enforcement of the local ordinance adopting installation standards on the grounds of federal preemption; and the third would be proposing legislation that prohibits local jurisdictions from establishing any mobile home installation standards that pertain to snow load capabilities. Rep Clark opted the third alternative, thus this legislation.

This particular issue was causing a problem in Kootenai County, but this is no longer so. They cancelled their ordinance in February calling for the new snow roof load. Rep Clark said he is not sure if this issue needs legislation, but he does feel it is a problem that needs clearing up. What he is really looking for is guidance from the committee. He is looking for some idea of where to go from here.

Rep Chadderdon asked about correspondence received from Jerry Mason in which he states his reasons for opposing this legislation and feels that it is flawed. **Rep Clark** said he is concerned about that. **Rep Bock** thinks federal standards would probably be the minimum standards to apply. **Rep Killen** said his feeling is that cities did not set up standards for manufactured and mobile homes, they set up standards for homes. In Valley County their snow load requirement is 120 P.S.F. They felt the safety of Valley County residents was at risk if they did not meet snow roof requirements.

Jack Rayne, Building Bureau Chief of the Idaho Division of Building, Safety, said that HUD had delegated the responsibility for numerous manufactured housing programs within Idaho to his department, including industry training, licensing, consumer complaint handling, mobile home rehabilitations, dealer lot monitoring, in-plant production inspections, statewide installation standards and other functions HUD is responsible for. These types of programs are established to provide a minimum level of health and safety for Idaho's citizen consumers.

Mr Rayne had a copy of study made in 1986 by the University of Idaho used by cities and counties in determining what snow loads should be and understands both sides of the issue. **Rep Clark** asked if the data base used by Mr Rayne is outdated, which he said it probably is, but is not sure who would step up to the plate to provide an updated study.

He has been trying to educate dealers that they should be helping people who are buying for an area with a high snow load and that the home should be built to accept that. He has no control when mobile homes come from out of state.

Mr Rayne did say that HUD has historically permitted localities to protect their residents by other means where snow loads are known to exceed the

requirements of the Standards. Options available to a locality in this case would include a protective roof cover meeting the local snow load requirement; or a roof snow removal maintenance program.

Rep Henderson said he liked the grandfathered clause in this legislation. **Rep Killen** said that if he were still in city government, he would probably say we are going to enforce what is needed in his area and if HUD wants to sue, so be it.

Steven Brown from Valley County, said that on West Mountain in Cascade the snow load is 150 to 350 P.S.F. He said it costs approximately \$3000 to \$6000 to provide the proper snow load roof. He passed around pictures of homes and mobile homes covered with snow, as well as some that had collapsed due to the snow load. He said that if they had mobile homes that wanted to move, they would have the same problem encountered in northern Idaho.

He thinks there is a real need to look at this bill. The snow load guide published by the University of Idaho is the only guide cities and counties have to go by. He thinks this problem can be better handled at the local level. The law says any home built prior to 1976 you can live in it but if you move it you have to make the necessary upgrades.

Larry Spencer said this issue is not as bad as it is made out to be. Idaho has a HUD requirement of 30 P.S.F while other surrounding states have different requirements. He has not been able to find a single instance of anyone who has been injured in this state due to an inadequate snow load roof. There have been collapsed roofs, but that has happened in new buildings and other existing buildings following an extended storm event.

Manufactured home owners have needed and received protection from the cities and counties before. If cities could ban manufactured homes, many would, so he said he remains skeptical of the claims that manufactured housing needs to be "protected" from itself, especially by requiring a safety "fix" that in the case of some used homes can cost more than the home it is designed to protect. This legislation does not affect any homes coming into this state. They are bound by HUD requirements.

Rep Barrett cited an experience she had dealing with HUD on an inspection of a manufactured home. She felt that we could not make any laws less stringent than HUD, but that we could make laws more stringent.

MOTION:

Rep Killen moved that **H 201 be HELD in committee.**

Rep Clark said he was hoping to come up with some solution. **Mr Brown** said he feels it is a local problem and should be resolved at the local level. **Mr Rayne** said Oregon has implemented a release of liability which might be an option for Idaho. **Rep Henderson** said he likes the legislation but has a suggestion for an amendment.

**SUBSTITUTE
MOTION:**

Rep Henderson made a substitute motion to add to the new language of the bill on page 2, line 1, following the words "required to be strengthened" adding "if the new location is of similar elevation and similar weather zone."

Rep Bock finds this particular legislation flawed and is not satisfied with it in its present form. **Rep Bayer** said you are not legally required to meet the new requirement, you just cannot live in your home if you don't. **Rep Barrett** would not like to see these people wait another year to resolve this issue. It was pointed out this situation has been in existence and worked on for over five years without a solution. **Rep Clark** does not think we should try and save this bill at the table. This is not the way good legislation should be drafted. He would suggest that he and Rep Bock work together to try and come up with a solution. Rep Bock agreed to this.

On the basis of this agreement, **Rep Henderson withdrew his motion.**

VOTE: **ON A VOICE VOTE THE MOTION TO HOLD H 201 IN COMMITTEE PASSED**

ADJOURN: There being no further business, the meeting was adjourned at 3:30 pm.

Representative Lenore Barrett
Chairman

Barbara Allumbaugh
Secretary

MINUTES

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: March 8, 2007

TIME: 1:30 pm or upon adjournment

PLACE: Room 408

MEMBERS: Chairman Barrett, Vice Chairman Bayer, Representatives Collins, Bradford, Clark, Chadderdon, Henderson, Pasley-Stuart, Bock, Killen

**ABSENT/
EXCUSED:** Rep Clark

GUESTS: Jack Rayne, Division of Building Safety; Scott Adamson, NWBS; Bob Hall, Idaho Newspaper Assn; Jennifer Bryson, Modular Building Industry; Tom Grote, The Star-News; Anna Means, The Challis Messenger; Stephanie Pressly, Press-Tribune, Messenger Index; and Benjamin Davenport, Allied Dailies

Chairman Barrett called the meeting to order at 2:25 pm.

MINUTES: **Rep Killen** moved that the minutes of March 6, 2007, be approved as written.

VOTE: **ON A VOICE VOTE THE MOTION CARRIED**

S 1155 **Sen Kelly** presented this legislation which is designed to correct certain deficiencies related to the law applicable to the growing modular building industry in Idaho. The bill improves the communication system between the industry and the Division of Building Safety by establishing an Idaho Modular Building Advisory Board; streamlines and consolidates the permitting requirements and fees applicable to the industry; ensures that out of state manufacturers bringing modular building into Idaho for occupancy are held to the same construction and inspection standards as those manufacturers who are building structures in Idaho for occupancy in Idaho.

Sen Kelly has been working on this legislation for the past six months and it has to do with the modular building industry which is different than manufactured homes. Modular homes comply with the same codes as site built homes. There are four locations in Idaho that build these homes, Rathdrum, Boise and Pocatello, Idaho and it is a growing industry in Idaho.

Idaho manufacturers are not competitive with out-of-state manufacturers bringing structures into our state for sale. For out-of-state manufacturers, there are currently less stringent inspection processes and no requirements for journeyman plumbers and electricians to be used by out-of-state manufacturers.

Further, under current law the separate departments of the Division of Building Safety treat in-state manufacturers of modular buildings as if they are building contractors, electrical contractors, plumbing contractors and HVAC contractors creating fragmented permit fees, inspection and plan

approval processes which have become difficult for in-state manufacturers to effectively manage.

This legislation would create a board specific to this industry. This will allow the various boards to work closely together to form appropriate rules to govern the modular building industry.

Other companies in other states are building these same units and bringing them into Idaho. We want to make certain those units coming from out of state are meeting the same standards as those units being built in Idaho.

MOTION:

Rep Killen moved that **S 1155 be sent to the floor with a DO PASS recommendation.**

Rep Bayer asked about the fee structure, if it would be adequate to support the board without borrowing.

Steve Keys stated the establishment of fees have been revised somewhat. The fees are the same in aggregate, but the distribution is somewhat different. **Rep Bayer** also wanted to know if we would be hearing about a fee shortage in the near future. At this point everyone seems to be satisfied. Currently fees are paid into the building code fund.

An imported home has to have an Idaho insignia of approval on the home and cannot get that without an inspection by the Division of Building Safety.

VOTE

ON A VOICE VOTE THE MOTION CARRIED. Rep Killen will sponsor this legislation.

S 1121

Bob Hall, Idaho Newspaper Association, presented this legislation which would raise the rates for publishing legal notices that are required to be published in newspapers by Idaho Law. The last rate increase was enacted in 1999 and made the current publication rate effective in 2001. As with any business, inflation in cost of materials, labor, and other related business expenses has increased the cost of publishing such notices.

This legislation would increase the statutory publication rate by one cent. The one cent increase would be spread over the course of two years: one-half cent in October 2007, and another half-cent in October 2008.

This legislation has a general concurrence of agreement with the cities and counties.

Stephanie Pressly, Editor of Nampa Press-Tribune in Nampa and the Messenger-Index in Emmett, and also representing the Allied Dailies, stated that publishing legal notices is not a profitable endeavor from the point of view of the newspaper. She pointed out that this committee approved legislation on Tuesday, March 6, 2007, that would cut back on the number of legal notices to be printed by the County Auditor and Treasurer, and that legislation, would help offset this proposed rate increase.

Anna Means, Managing Editor of The Challis Messenger, supports this legislation, as publication of legal notices are required by law.

Rep Bock said this increase seems reasonable and is over a period of two years.

MOTION: **Rep Henderson** moved that **S 1121 be sent to the floor with a DO PASS recommendation.**

VOTE: **ON A VOICE VOTE THE MOTION CARRIED.** Rep Henderson will sponsor this legislation.

ADJOURN: There being no further business, the meeting was adjourned at 3:00 pm.

Representative Lenore Barrett
Chairman

Barbara Allumbaugh
Secretary